

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY D.C.

DEC 15 PM 4:18

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Robert E. Banks,
Plaintiff,

v.

United Parcel Service, Inc., et al.,
Defendants.

No. 03-2980 M/P

ORDER TAXING COSTS

Defendant United Parcel Service, Inc. ("UPS"), the prevailing party in the above-captioned action under Judgment entered October 3, 2005 in favor of Defendant UPS, filed its Bill of Costs, pursuant to Fed. R. Civ. P. 54(d) and 28 U.S.C. §1920, on October 27, 2005 in the sum of \$1,552.40 seeking reimbursement from Plaintiff Robert E. Banks for expenses.

The Clerk of Court, pursuant to Local Rule 54.1, provided written notice to counsel for all parties on October 27, 2005 that a hearing would be held by the Clerk of Court on November 10, 2005 at 11:00 AM at which counsel could appear and/or submit citations of law relevant to the issue of taxing costs in this matter.

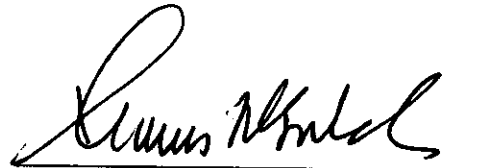
Defendant's legal counsel, James W.J. Farrar, contacted the Clerk of Court by telephone on November 10, 2005, pursuant to an earlier request dated November 1, 2005 to participate in this hearing telephonically. Plaintiff's legal counsel did not appear personally at this cost hearing nor was any objection filed by Plaintiff against the award of \$1,552.40 in costs to Defendant as requested in the Defendant's Bill of Costs.

Therefore, the Clerk of Court has determined that costs should be and are hereby taxed against the Plaintiff Robert E. Banks and for the Defendant UPS in the sum of \$1,552.40.

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Pursuant to Local Rule 54.1, taxation of costs by the Clerk of Court may be reviewed by the Court upon motion, which must be served within five (5) days following the docketing of this Order.

Dated: December 13, 2005.



Thomas M. Gould, Clerk of Court



Notice of Distribution

This notice confirms a copy of the document docketed as number 87 in case 2:03-CV-02980 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT